

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-31303 - APPLICANT: CLAUDIA BELTRAN - OWNER:  
NERCES HIMIDIAN**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Bailbond Service use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property without the appropriate permits.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a 992 square-foot Bailbond Service at 1440 East Charleston Boulevard, Suite B. Staff finds the proposed Bail Bond Service to be in compliance with the General Plan, Title 19, and all other applicable plans. Staff also finds that this proposed use will not increase the parking requirement for the subject Shopping Center, therefore staff recommends approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
c. 1964	Subject Shopping Center constructed.
04/21/04	The City Council approved a request for a Special Use Permit (SUP-3747) for a Financial Institution, Specified at 1426 East Charleston Boulevard, Suite #110. The Planning Commission and staff recommended denial.
10/20/04	The City Council approved a six month Required Review (RQR-5234) on an approved Special Use Permit (SUP-3747) for a Financial Institution, Specified at 1426 East Charleston Boulevard, Suite #110. Staff recommended denial.
12/04/08	<a href="#">The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #21/leh).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
08/14/97	A business license (#W10-00002) was issued for a Wire Service at 1440 East Charleston Boulevard. This license ceased on 11/28/07.
03/26/02	A business license (#G04-03553) was issued for Gifts and Novelties at 1440 East Charleston Boulevard, Suite B. This business license ceased on 02/29/08.
07/30/07	A business license (#G04-06558) was issued for Gifts and Novelties at 1440 East Charleston Boulevard, Suite B. This business license ceased on 12/27/07.
11/07/07	A business license (#A24-00072) was issued for Psychic Arts – Science at 1440 East Charleston Boulevard, Suite A.
03/12/08	A business license (#C05-02597) was issued for a Tobacco Dealer at 1440 East Charleston Boulevard, Suite B. This business license ceased on 07/30/08.
03/12/08	A business license (#G04-06735) was issued for Gifts and Novelties at 1440 East Charleston Boulevard, Suite B. This business license ceased on 08/07/08.
08/26/08	An application for a business license (#B01-93886) was issued for a Bailbond Agency at 1440 East Charleston Boulevard, Suite B. This application was denied by the Planning Department on 08/27/08 pending the approval of a Special Use Permit. The application has been marked out of business by Business Licensing on 10/29/08.

11/04/08	An application for a business license (#B18-93887) was issued for a Bailbond Agency/Enforcement Agent at 1440 East Charleston Boulevard, Suite B. This application was denied by the Planning Department on 08/27/08 pending the approval of a Special Use Permit. The application was marked out of business by Business Licensing on 11/04/08.
<b><i>Pre-Application Meeting</i></b>	
09/23/08	Staff discussed the requirements for a Special Use Permit application for a Bailbond Service with the applicant.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
11/06/08	Staff conducted a site visit of the subject site and noted the subject commercial pad to have signage in place for the proposed Bail Bond Service, however not open for business.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	.91

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
	Motor Vehicle Sales, Used	C (Commercial)	C-2 (General Commercial)
South	Single-Family Homes	L (Low Density Residential)	R-1 (Single Family Residential)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	Shopping Center	C (Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Bail Bond Service	992 SF	1:300 SF	4	1	4	1	Y*
Psychic Arts	1,250 SF	1:250 SF	5	1	5	1	Y*
Financial Institution, Specified	900 SF	1:250 SF	4		4		Y*
Restaurant (without Drive Through)	2,200 SF	1:50 SF of seating area and 1:200 SF of Gross Floor Area	29		18		Y*
General Retail Store, Other than Listed (Less than 3,500 Square Feet)	9,958 SF	1:175 Gross Floor Area	57				Y*
Sub Total	15,300 SF		95	4	31	1	Y*
Total	15,300 SF		99		33		Y*

*\* The subject shopping center was constructed in 1964 and meets the Title 19.10.010 (c) Standard to be considered a Parking Impaired Development. Per Title 19.10.010 (c) Standards, as the subject site is considered parking impaired a Variance for parking is not required.*

## ANALYSIS

This is a request for a Special Use Permit for a 992 square-foot Bail Bond Service at 1440 East Charleston Boulevard Suite B. The subject Shopping Center was constructed in 1964 and is considered a Parking Impaired development.

- **Zoning**

The subject property is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the C (Commercial) category of the General Plan.

- **Use**

The proposed use as a Bail Bond Service requires a Special Use Permit within the C-1 (Limited Commercial) zone. If approved, this application for a Special Use Permit would fulfill that requirement.

- **Parking**

The subject shopping center was constructed in 1964 and meets the Title 19.10.010 (c) Standard to be considered a Parking Impaired Development. Title 19.10.010 (c) sets forth the following guidelines for a Parking Impaired Development:

“A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this section, shall not be considered a nonconforming use or a non-conforming building; but rather, it shall be considered a “parking-impaired development.” The following rules shall apply to the remodeling, alteration, expansion or reuse of parking-impaired developments:

1. Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with this Chapter, providing that such work does not increase in the number of required parking spaces.
2. For any remodeling, alteration, or expansion of a parking-impaired development that requires an increase in the number of parking spaces, including the expansion of existing buildings or the construction of new buildings, only the increased number of parking spaces shall be required.
3. For any change of use that requires an increase in the number of required parking spaces, only the increased number of parking spaces shall be required.”

The previous use at 1440 East Charleston, Suite B was General Retail Store, Other than Listed (Less than 3,500 Square Feet) which has a parking requirement of one space per 175 square feet of gross floor area. The proposed use of Bailbond Service requires one space per 300 square feet of gross floor area. The proposed use requires fewer spaces than the previous use, therefore staff finds that this proposal meets the Title 19.10.010 (c) Parking Impaired Development standards and does not require a parking Variance.

- **Minimum Special Use Permit Requirements**

There are no Special Use Permit Requirements associated with this Special Use Permit request.

As this application requires no Waivers and does not increase the number of parking spaces in the subject Shopping Center, staff recommends approval.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with neighboring commercial, retail and future land uses projected by the General Plan. The proposed use has a less intense parking requirement than the other uses currently present in the Shopping Center.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed use will be established within an existing shopping center along a Primary Arterial roadway. The subject site is a Parking Impaired development and the proposed use does not increase the parking requirements; therefore, staff finds that the subject site is physically suitable for the proposed use and surrounding area.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed by Charleston Boulevard, which is designated as a 100-Foot Primary Arterial roadway by the Master Plan of Streets and Highways. The added traffic generated by the proposed use can easily be accommodated by that roadway.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will not negatively affect human health and public safety or be inconsistent with the goals of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use adequately addresses all Title 19.04 conditions for Bailbond Services.

#### **PLANNING COMMISSION ACTION**

The applicant agreed to all conditions on the record at the Planning Commission Meeting.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 0

**ASSEMBLY DISTRICT** 12

**SENATE DISTRICT** 10

**NOTICES MAILED** 271 by City Clerk

**APPROVALS** 0

**PROTESTS** 2